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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. **2009-251**

13 **JILLIAN J. WILSON**
aka JILLIAN JANE WILSON
14 **aka CHRISTINA WILSON**
1600 Response Road, Apt. 3018
15 Sacramento, California 95015

STATEMENT OF ISSUES

16 Applicant/Respondent.

17
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in her official capacity
21 as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **License History**

24 2. On or about October 31, 2008, the Board received an Application for
25 Licensure by Examination from Jillian J. Wilson, also known as Jillian Jane Wilson and
26 also known as Christina Wilson ("Respondent"). On or about October 15, 2008, Respondent
27 certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Board denied the application on January 28, 2009.

STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3)(A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the
2 prescription, consumption, or self-administration of any of the substances
3 described in subdivisions (a) and (b) of this section, or the possession of,
4 or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction
6 is conclusive evidence thereof.

7 **FIRST CAUSE FOR DENIAL OF APPLICATION**

8 **(Criminal Conviction)**

9 7. Respondent's application is subject to denial under Code sections 2736,
10 2761, subdivision (f), and 480, subdivision (a)(1), in that on or about September 2, 2008, in the
11 case entitled, *People of the State of California v. Jillian Jane Wilson* (Super. Ct. Sacramento
12 County, 2008, Case No. 08T04564), Respondent was convicted on her plea of nolo contendere of
13 violating one count of Vehicle Code section 23152, subdivision (a), with a special allegation of
14 Vehicle Code section 23578 (Driving Under the Influence of Alcohol with a Level of .15% or
15 More Blood Alcohol Content [.23%]). The circumstances of the crime are that on July 9, 2008,
16 Respondent did willfully and unlawfully drive a motor vehicle with a concentration of alcohol in
17 her blood of .15 percent or more by weight. Such crime is substantially related to the
18 qualifications, functions and duties of registered nurse.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Used an Alcoholic Beverage in a Manner Dangerous)**

21 8. Respondent's application is subject to denial under Code section 2761,
22 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
23 subdivision (b), in that Respondent used an alcoholic beverage in a manner dangerous or injurious
24 to herself, any other person, or the public, as set forth in paragraph 7, above

25 **THIRD CAUSE FOR DENIAL OF APPLICATION**

26 **(Criminal Conviction Involving an Alcoholic Beverage)**

27 9. Respondent's application is subject to denial under Code section 2761,
28 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
subdivision (c), in that Respondent was convicted of a crime involving an alcoholic beverage, as
set forth in paragraph 7, above.

1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Any Acts by a Licentiate)**


3 10. Respondent's application is subject to denial under Code sections 2736 and
4 480, subdivision (a)(3)(A), in that Respondent committed acts that if done by a licentiate of the
5 business or profession, would be grounds for suspension or revocation of a license, pursuant to
6 Code section 2761, subdivision (a), as defined in Code section 2762, subdivisions (b) and (c), and
7 Code section 2761, subdivision (f), as set forth in paragraph 7, above.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Denying the application of Jillian J. Wilson, also known as Jillian Jane
12 Wilson and Jillian Wilson; and
13 2. Taking such other and further action as deemed necessary and proper.

14 DATED: 4/16/09

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16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
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